

## **REMARKS**

Initially, applicant's attorney notes that, as required by Rule 1.121, the specification portions and claims to be amended by this Preliminary Amendment and Information Disclosure Statement have been presented above with amendments in clean form, as well as in the final pages of this Preliminary Amendment and Information Disclosure Statement in marked-up form to show the changes made.

By the foregoing amendments, the specification and claims have been amended and new claims added so as to emphasize the novel features of the present invention and to put the present application in better condition for examination. These amendments do not constitute new matter and, therefore, applicant's attorney respectfully requests their entry herein.

### **Information Disclosure Statement**

In accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, applicant and his attorney respectfully request that the following patents and patent publications, copies of which are enclosed herewith, be made of record in the official United States Patent and Trademark Office file relating to the above-identified application.

#### **U.S. Patents**

2,215,540  
2,687,768  
3,275,371  
5,499,883

#### **Foreign Patent Publications**

German Offenlegungsschrift DE 39 33 430  
German Offenlegungsschrift DE 41 36 611  
German Offenlegungsschrift DE 196 05 870  
German Patentschrift DE 198 37 821  
Great Britain Patent Publ. No. 743,444  
European Patent Publication No. 0 586 720  
European Patent Publication No. 0 986 977

Applicant's U.S. attorney notes that the above-listed U.S. patents (i.e., 2,215,540, 2,687,768, 3,275,371 and 5,499,883) and the Great Britain Patent Publ. No. 743,444 are each in the English language. In such circumstances, it is respectfully submitted that no further comments are necessary in connection with the citation of these references.

Applicant's U.S. attorney is not presently in possession of English-language translations of the remaining above-listed references (i.e., German Offenlegungsschrift DE 39 33 430, German Offenlegungsschrift DE 41 36 611, German Offenlegungsschrift DE 196 05 870, German Patentschrift DE 198 37 821 and European Patent Publication Nos. 0 586 720 and 0 986 977). In these circumstances, applicant's attorney offers the following brief comments relating to each of the aforesaid non-English language references for the Examiner's consideration.

German Offenlegungsschrift DE 39 33 430 discloses a wooden chair having a horizontal frame for receiving a seat plate and having legs attached to the outer side of the frame of the wooden chair.

German Offenlegungsschrift DE 41 36 611 discloses a chair made of plywood wherein short-angled plywood pieces are provided as joining elements and are glued together on one side with an adjoining leg and on the other side with the lower surface of the seat plate.

German Offenlegungsschrift DE 196 05 870 discloses a chair having a seat plate and a separate backrest, which may be made of plywood. The seat plate and the backrest are assembled together by means of angled brackets which are fastened with screws. The front legs are bent towards the backrest, thereby forming the armrests. The armrest sections and rear legs are fastened with screw at the backrest.

German Patentschrift DE 198 37 821 discloses a stackable chair consisting of a frame structure with a seat frame, a front leg bow and a combined rear leg and backrest bow. The front leg bow and the combined rear bow are joined at the front, respectively, at the rear side of the seat frame. This reference suggests that the chair may be made of plywood reinforced by metal.

European Patent Publication No. 0 586 720 discloses a stackable chair made of plywood, wherein the seat and backrest are formed by a single plate. In addition, a single U-shaped bow forms a front and a rear leg assembly and another single U-shaped bow forms another front and rear leg assembly. Both U-shaped bows are fastened onto the outer edges of the plate by means of feather-and-groove joints.

European Patent Publication No. 0 986 977 discloses a chair having a plywood backrest. The bent front legs of this chair are fastened onto the lower surface underneath the seat plate. Furthermore, bolts are inserted into the backrest plate on the lower edge thereof and the rear legs are attached on pegs projecting from the inserted bolts.

In view of the foregoing comments, it is believed that no further discussion relating to the aforesaid non-English language references is necessary. However, in the event the Examiner decides that an English-language translation of any of these references would be helpful, upon the Examiner's request, applicant's U.S. attorney will obtain and provide the United States Patent and Trademark Office with appropriate English-language translations of same (or a copy of an equivalent English-language counterpart, if one exists).

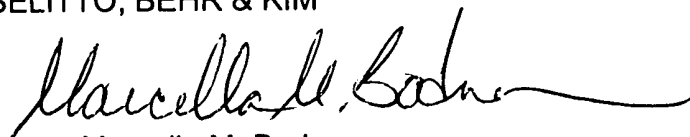
In order to facilitate the Examiner's citation of the patent publications listed above, applicants' attorney has completed United States Patent and Trademark Office Form PTO-1449. The completed Form is attached hereto for the Examiner's convenience.

Conclusion

A total fee of \$228.00 is believed to be due in connection with the submission of this Preliminary Amendment and Information Disclosure Statement to cover the one (1) additional independent claim, in excess of three (\$84), and the eight (8) additional dependent claims, in excess of twenty (\$144), that are being presented for examination with this Preliminary Amendment and Information Disclosure Statement. The Examiner is hereby authorized to charge the aforesaid \$228.00 fee to Deposit Account No. 19-1218. If any additional fees, including petition or extension fees, are due in connection with the submission of this Preliminary Amendment and Information Disclosure Statement, the Examiner is hereby authorized to charge them also to Deposit Account No. 19-1218.

Respectfully Submitted,

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## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

### **In the Specification**

The Specification as presented in the English language translation filed on October 18, 2001 has been amended as follows:

Page 9, the second full paragraph (lines 9-20) has been amended as follows:

The two versions which are shown of a seat - in the form of chairs without or with armrests 7,8 - comprise a seat plate 1 which, in principle, is arranged horizontally and has at least two parts 2,3 which lie one above another in layers and are joined together and, as the upper part 2 and lower part 3 of the seat plate 1, are formed from molded plywood glued together in layers and extend entirely over the seat plate 1. The chairs rest on two front legs [5,5':6,6'] 5,6 and two rear legs 5',6' which protrude to the floor and have leg extensions [50,50':60,60'] 50,60;50',60' at the top. Lower leg grooves 20 are incorporated by cutting, preferably by milling out, on the lower side of the upper part 2 that faces the lower part 3. Upper leg grooves 30 are integrally formed without cutting on the upper side of the lower part 3 that faces the upper part 2. Between the parts 2,3 of the seat plate 1, the leg extensions 50,50';60,60' of the legs 5,5';6,6' are fitted in the lower leg grooves and the upper leg grooves 20,30.

Page 10, the first full paragraph (lines 4-10) has been amended as follows:

In an expanded version, the chair is provided with a *first variant* of armrests 7,8. The armrests 7,8 have armrest extensions 70,70';80,80' at their first and second ends. Lower armrest grooves 21 are incorporated by cutting on the lower side of the upper part 2 that faces the lower part 3 and upper armrest grooves 31 are integrally formed without cutting on the upper side of the lower part 3 that faces the upper part 2. Between the parts 2,3 of the seat plate 1 and the backrest 4, the armrest extensions 70,70';80,80' of the armrests 7,8 are fitted in the lower armrest grooves and the upper armrest grooves 21,31.

Page 11, the third full paragraph (lines 14-26) has been amended as follows:

A free-swinging armrest 7,8 of the *second variant* comprises the elongated armrest section 79,89 which is provided for supporting the user's arms and merges in an angled manner into the shorter supporting section 76,86 which opens into the backrest 4. A plate-shaped securing element 77,87 is arranged at the free end of the supporting section 76,86. The cross section of the [backrest] armrest section 79,89 [extends more in the horizontal direction than in the vertical direction] has a horizontal dimension which is greater than its vertical dimension. This produces a relatively large supporting surface for the user who is supporting his arms on the armrests 7,8. In the bent transition 78,88 from the armrest section 79,89 to the supporting section 76,86, the profile of the armrest

7,8 is rotated through 90<sup>0</sup>, with the result that the cross section of the supporting section 76,86 extends here more in the vertical direction than in the horizontal direction. The securing element 77,87 follows the plane of vertical extent of the supporting section 76,86 and protrudes above and below the latter.

In the Claims:

Page 18, line 1, the heading "Patent Claims" has been replaced with the following new heading:

I Claim:

Pending Claims 1-16 have been amended as follows:

1. (Amended) A seat comprising:

[a]) a seat plate (1) which[, in principle,] is arranged substantially horizontally and has at least two parts (2,3) which lie one above another in layers and are joined together and, as the upper part (2) and lower part (3) of the seat plate (1), consist of molded plywood glued together in layers and extended at least partially [or completely] over the seat plate(1); and

[b]) two front legs (5, 6) and two rear legs ([5,]5';[6],6') which protrude to the floor,[ wherein

[c]) the front and rear legs [(5,5';6,6') have] (5,6;5',6')having leg extensions [(50,50';60,60')] (50,60;50',60'), at the top of each leg;

[d]) lower leg grooves (20) [are] incorporated by cutting on the lower side of the upper part (2) that faces the lower part (3); and

[e]] upper leg grooves (30) [are] integrally formed without cutting on the upper side of the lower part (3) that faces the upper part (2)[; and], wherein

[f]] between the lower and upper parts (2,3) of the seat plate (1), the leg extensions [(50,50';60,60')] (50,60;50',60') of the front and rear legs [(5,5';6,6')] (5,6;5',6') are fitted in the lower and upper leg grooves (20,30).

2. (Amended) The seat as claimed in claim 1, further comprising a backrest which is substantially vertical, wherein

[a]] the upper part (2) and the lower part (3) extend over the entire seat plate (1)[;]

[b]] in order to complete the seat to make a stool into a chair, there is a backrest (4) which, in principle, is vertical[;] and

[c]] the upper part (2) and the lower part (3) of the seat plate (1) [preferably] merge integrally into the backrest (4).

3. (Amended) The seat as claimed in claim 1 or 2, wherein

[a]] the front and rear legs [(5,5';6,6')] emerge] (5,6;5',6') extend from the corner regions of the seat plate (1)[;],

[b]] the front legs (5[,5';]6[,6']) are each connected to one of the rear legs (5',6') [another in] thereby forming pairs, by the leg extensions [(50,50';60,60')] (50,60;50',60') which merge into one another[;], and

[c]] the leg extensions are[, in principle,] substantially angled horizontally.



4. (Amended) The seat as claimed in claim 3, wherein

[a] [one] a first front leg (5[,6]) and [one] a first rear leg (5'[,6']) [in each case] form a[n] first interconnected pair and a second front leg (6) and a second rear leg (6') form a second interconnected pair[:] and

[b]] the leg extensions [(50,50';60,60')] (50,60;50'60') are attached in the corner regions of the seat plate (1).

5. (Amended) The seat as claimed in claim 4, wherein the leg extensions [(50,50';60,60')] (50,60;50'60') of both interconnected pairs of legs [(5,5';6,6')] extend in the] (5,6;5'6') form [of] bows (51,61) which extend toward the central region of the seat plate (1).

6. (Amended) The seat as claimed in [one of] claim[s] 1 [to 5], wherein the upper part (2) is of greater material thickness than the lower part (3).

7. (Amended) The seat as claimed in [one of] claim[s] 1 to 6] 18,  
[wherein] further comprising

[a] the chair is provided with] armrests (7,8)[:] having

[b] the armrests have] armrest extensions (70,70';80,80') at their first and second ends;

[c]] lower armrest grooves (21) that are incorporated by cutting on the lower side of the upper part (2) that faces the lower part (3);

[d]] upper armrest grooves (31) that are integrally formed without cutting on the upper side of the lower part (3) that faces the upper part (2),[:] wherein

[e)] [between the parts (2,3) of the seat plate (1) and the backrest (4),] the armrest extensions (70,70';80,80') of the armrests (7,8) are fitted in the lower and upper armrest grooves (21,31) between the upper and lower parts (2,3) of the seat plate (1) and the backrest (4).

8. (Amended) The seat as claimed in [one of] claim[s 1 to 6] 18, [wherein] further comprising

[a] the chair is provided with] armrests (7,8)[;] which

[b] the armrests (7,8)] are connected to each other by a bow;

[c] a] an upper armrest groove (21) that is incorporated by cutting in the backrest (4), on the side of the upper part (2) that faces the lower part (3);

[d)] a lower armrest groove (31) that is integrally formed without cutting in the backrest (4), on the side of the lower part (3) that faces the upper part (2), said lower armrest groove (31) lying in a complimentary manner with respect to the upper armrest groove (21) in the upper part (2),[; and] wherein

[e)] [between the parts (2,3) of the seat plate (1) and the backrest (4),] the bow which connects the armrests (7,8) is fitted in the upper and lower armrest grooves (21,31) between the upper and lower parts (2,3) of the seat plate (1) and the backrest (4).

9. (Amended) The seat as claimed in [one of] claim[s 1 to 6] 18, [wherein] further comprising

[a] the chair is provided with] armrests (7,8)[;] each having

[b] the armrests (7,8) have] securing elements (77,87) at [their] a first end[s,] and wherein a free-swinging elongated armrest section (79,89) [extends] extending [in each case] toward [the] a second end of [the armrests] each respective armrest (7,8), said elongated armrest sections (79,89) [being intended as an] each forming an arm support for the users;

[c]] a non-continuous recess (22) that is incorporated [by cutting] on both sides in the backrest (4), on the side of the upper part (2) that faces the lower part (3); and

[d]] apertures (32) which are complementary with respect to the recesses (22) [are provided] on both sides in the backrest (4), in the lower part (3),; and] wherein

[e]] [between the parts (2,3) of the backrest (4),] the securing elements (77,87) of the armrests (7,8) are embedded in the recesses (22) and apertures (32) and are supported therein between the upper and lower parts (2,3) of the backrest (4).

10. (Amended) The seat as claimed in claim 9, wherein

[a]] the securing element (77,87) of [the] each armrest (7,8) is of plate-shaped geometry[;],

[b]] the elongated armrest section (79,89) of each armrest (7,8) merges in a bent transition (78,88) in an angled manner into a shorter supporting section (76,86) which opens into the backrest (4)[;],

[c] the cross section of the] each elongated armrest section (79,89) has [a greater horizontal extent than in the vertical direction;] a cross-section with a

horizontal dimension and a vertical dimension, the horizontal dimension being greater than the vertical dimension.

[d)] in the bent transition (78,88) from the elongated armrest section (79,89) to the supporting section (76,86), the profile of the armrest (7,8) is rotated through 90°, thereby resulting in [as a result of which the cross section of] the supporting section (76,86) [has] having a greater vertical [extent] dimension than [in the] horizontal dimension [direction;], and

[e)] the securing element (77,87) is [situated in the plane of the vertical extent of] positioned proximately to the supporting section (76,86) and protrudes above and below the [latter] supporting section.

11. (Amended) The seat as claimed in [one of] claim[s 1 to 10] 18, wherein,

[a)] in the case of] when seats are stacked one above another, the rear legs (5',6'), which protrude out of the seat plate (1), come to lie [in each case] directly in front of the rear legs (5',6') of [the] a respectively lower seat[;],

[b)] the front legs (5,6) come to lie[, in each case,] at a distance in front of [those] the front legs (5,6) of [the] a respectively lower seat[;], and

[c)] space remains between the backrests (4) of stacked seats in order to provide room for a backrest cushion (40) without increasing [the] any forwardly directed overhang of seats stacked one above another.

12. (Amended) The seat as claimed in [one of] claim[s 1 to 6 or] 9 [to 11], wherein

[a] in the case of] when seats which are [stacked one above another and are] provided with armrests (7,8) each having a free-swinging armrest section (79,89), are stacked one above the another, the respective armrests (7,7;8,8) on one side of the seats come to lie one above another without increasing [the] any stack height or [the] forwardly directed overhang[:], and

[b] in this case, the] a horizontal distance (a) and [the] a vertical offset (v) exist between respectively adjacent backrests (4,4) of seats stacked one above another [provide] thereby providing sufficient space for the supporting sections (76,76), the transitions (78,78) and the armrest sections (79,79) of the armrests (7,8).

13. (Amended) A row connector (9) for combining a seat[, as claimed in one of claims 1 to 12,] with a respectively adjacent seat, [wherein] each seat having, front and rear legs (5,6;5',6') which protrude to the floor, the front and rear legs (5,6;5',6') each being connected to leg extensions (50,60;50',60') by bending-away transitions at the top of each leg, the row connector (9) comprising

[a] the row connector (9) comprises] a shackle-like clip part (90) [and a slide (96);], having

[b] the clip part (90) has] a central section (91) from which grasping claws (92) branch off symmetrically to both sides; and

a slide (96), wherein

[c] the grasping claws (92) [have a clear width between them which corresponds to] are spaced from one another, such that the space is substantially equal

to a [the] distance between two rear legs (5',6') of seats placed adjacently in a row, [and have] the grasping claws (92) each having an inner configuration which corresponds to the cross section of the rear legs (5',6') [in the vicinity of the height of] proximate to the bending-away transition into the leg extensions (50',60')[;], and

[d)] when the clip part (90) is brought into [the] a clamping position [can be], the clip part is [fixed] releasably fixed by [means of] the slide (96), the clamping position [lying in the vicinity of] being located proximately to the [height to the] bending-away transition into the leg extensions (50',60').

14. (Amended) The row connector (9) as claimed in claim 13, wherein further comprising,

[a] the row connector (9) has] a rail guide (93) on the clip part (90), on the inside of its central section (91)[, a rail guide (93)] for the withdrawable reception of the sliding rail (97) of the slide (96)[, and, in the upper region, has]; a latching contour (94) in an upper region of the row connector; and

[b)] a clamping plate (98) [is] attached at the top of the sliding rail (97) and[, in each case facing the grasping claws (92), has] having a curved recess (99) facing the grasping claws (92) for the passage [of the cross section] therebetween of the rear legs (5',6').

15. (Amended) The row connector (9) as claimed in claim 13 or 14, wherein

[a)] an angled, [directly or indirectly] elastic hook (100) which is pointed toward the central section (91) is [arranged right] positioned at the bottom of the sliding

rail (97) and, when the slide (96) is inserted [to the maximum] fully into the central section (91), the hook grasps the lower edge of the central section (91) from below, and a pre-defined withdrawing force is required in order to release the hook (100) again from this securing means[;] and

[b)] when the slide (96) is fully withdrawn [to the maximum] from the central section (91), the hook (100) [is intended for latching] latches into the latching contour (94).

16. (Amended) A method for producing a seat[, as claimed in one of claims 1 to 12] having a seat plate (1) which is arranged substantially horizontally and has at least an upper and a lower part (2,3) which lie one above another in layers and which are joined together, the upper part (2) being thicker than the lower part (3), a backrest (4) which is arranged substantially vertically and is integral with and extends from the upper and lower parts (2,3) of the seat plate (1), front and rear legs (5,6;5',6') which protrude to the floor, wherein the front and rear legs (5,6;5',6') are each connected to leg extensions (50,60;50',60') at the top of each leg, lower leg grooves (20) on the lower side of the upper part (2), upper leg grooves (30) on the upper side of the lower part (3), [wherein] comprising the steps of:

[a) there are:

aa) an upper part (2) and a separate lower part (3) having a seat plate (1) which, in principle, is horizontal and - in the case of a seat in the form of a chair - merges into a backrest (4) which, in principle, is vertical, the thicker upper part (2) and the thinner lower part (3) consisting of molded plywood which is glued together in layers, for example of beech; and

ab) two pairs of legs (5,5';6,6') which in each case form a front leg (5,6) and a rear leg (5',6'), having extensions (50,50';60,60') which, in principle, are angled horizontally and merge into one another and extend in the form of bows (51,61) toward the central region of the seat plate (1); and

b) in the manufacturing process:]

[b)a] [grooves (20) are made by] cutting lower leg grooves (20) on the lower side of the upper part (2) that faces the lower part (3)[, preferably by milling out];

[b)b] [grooves (30) are] integrally [formed] forming upper leg grooves (30), without cutting, on the upper side of the lower part (3) that faces the upper part (2);

[b)c] placing the leg extensions [(50,50';60,60')] (50,60;50',60') of the legs [(5,5';6,6') are placed] (5,6;5',6') into the lower and upper leg grooves (20,30) between the upper part (2) and lower part (3); and

[b)d] [after that,] connecting the upper part (2) and lower part (3) [are connected] in a sheet-like manner to each other[, preferably by gluing them together].

Claim 17 has been cancelled.

New Claims 18-25 have been added.